

**Comments on the Draft Report from the audit DG(SANCO)/2013-6655
focused on FNAO**

CAFIA

Page I – Executive Summary, 3rd paragraph

“... There were no facilities for sampling of consignments at the Designated Point of Entry (DPE) Prague Airport.”

Comment 1: If the term „facilities“ means the own premises where the inspection is carried out, then we suggest that the phrase is modified as follows: *„There were no own or dedicated facilities for sampling...“*. If the phrase concerns the equipment (such as tools for sampling), then we ask for modification of the phrase or specification which particular equipment for inspectors was missing. Inspectors bring all necessary equipment with them; Moreover, equipment of the importer can be used on the spot (electric truck, equipment for hanging of big-bags, etc.).

Page 3 – chapter 5.1 Relevant National Legislation:

Findings

Within the scope of the audit, the following national legal acts were in force:

- Act No 21/2004 establishes operational rules for CAFIA;

Comment 2: It is not Act but internal CAFIA regulation – Organisational Directive No. 21/2004 laying down operational rules for CAFIA.

- Act No 104/2012 defines the duties and operational rules for Customs.

Comment 3: Such Act does not exist. It could be Act No. 17/2012 Coll. on the Customs Administration of the CR or it could be an internal regulation of the Customs. This should be clarified with the Customs Authority or MA.

Page 3 and 4 – chapter 5.2.1 Designation of Competent Authorities:

Findings

*“Official controls on the import of FNAO are organised centrally under the MA by the CAFIA. The MA is responsible for the policy decisions on import controls. The CAFIA is responsible for the import controls of FNAO. The CAFIA's regional ~~office~~ *Inspectorate* in Prague performs the controls at DPE Prague Airport and DPI Rudná. ~~The Customs Services support the CAFIA flagging consignments for official controls and ensure that only goods which are correctly checked by Customs will be cleared.~~ *The Customs Services co-operate with CAFIA to ensure that only goods inspected by CAFIA will be cleared.*”*

Page 5 and 6 – chapter 5.2.3 Designated Points of Import and Designated Points of Entry:

“DPE

There is one DPE in the Czech Republic at Prague airport. The audit team visited the DPE and noted that:

- *there were no dedicated facilities for inspection or sampling available; the facilities were not shared with the veterinary Border Inspection Post (BIP) – in case of necessity, e.g. when a consignment has to be unloaded, equipment or the storehouse of the importer is used; (see comment 1)*

- the CAFIA Regional Inspectorate in Prague served as an office base, but many staff members worked from home-based offices;
- equipment for sampling was transported in the inspector's car (private or official);
- if a consignment had been selected for sampling, the staff of the CAFIA Inspectorate Prague drove to the airport (UMV) ~~and returned the samples to the office~~ *and samples are taken directly to the laboratory.*

DPI

There is one DPI in the Czech Republic. It is assigned to the Customs office of Rudná. The audit team noted that:

- if consignments had been selected for sampling, the staff of the CAFIA Inspectorate of 5 Prague moved to one of the three approved importers' customs warehouses where the consignments were unloaded;
- the inspectors carried their sampling equipment and performed the sampling at the importer's premises; ~~samples were returned by them to the office~~ *were taken to the laboratory;*
- sampled consignments were transported to a locked space in a Customs warehouse under direct Customs supervision.

The DPE and the DPI are published on the internet:

~~<http://www.szpi.gov.cz/docDetail.aspx?docid=1022975&docType=ART&nid=11754&chnum=9>~~

<http://www.szpi.gov.cz/docDetail.aspx?docid=1022975&docType=ART&nid=11818>.”

Comment 4: This link is more appropriate.

Conclusions

“DPEs and DPIs were designated and made publicly available by the CA. The DPE Prague Airport will not comply with EU requirements after the transitional period ends in August 2014. This is not in line with Article 4(b) of Regulation (EC) No 669/2009 in connection with Article 19 of the same Regulation.”

Comment 5: If this conclusion is kept, we require detailed specification what exactly is not in compliance with the mentioned Article of Regulation No. 669/2009. CAFIA and MA are the opinion that this storehouse complies with the requirements of the Regulation.

Page 6 – chapter 5.2.4 Other Places of Import Controls:

Findings

“The CA has designated all Czech Customs offices for checks of guar gum and Ukrainian sunflower oil. Sampling is done at the customs zone/or FBO warehouses which are approved by CAFIA. The list of CPs is published on the internet

~~<http://www.szpi.gov.cz/docDetail.aspx?docid=1022975&docType=ART&nid=11754&chnum=9>~~ <http://www.szpi.gov.cz/docDetail.aspx?docid=1022975&docType=ART&nid=11818>.”

Comment 6: This link is more appropriate.

Page 7 – chapter 5.2.5 Prior Notification of Consignments:

Findings

“In most of the cases checked by the audit team, the CAFIA was notified in advance about the arrival of the consignments. In the case of arrivals at the airport, date and time of arrival were not in ~~all~~ *some* cases listed in the Common Entry Document (CED) part I.”

Page 8 – chapter 5.2.6 Import Controls of Food of Non-Animal Origin subject to Regulation (EC) No. 669/2009:

“The audit team noted further that:

- sampling was done in warehouses of Prague Airport; there were two at the air-side of the cargo facilities;
- the samples were transported to the CAFIA's office laboratory in Prague by the inspector which is located in the same building as CAFIA offices; ~~the laboratory was housed in the same building;~~
- the documentary check was completed within two days at the latest; the analytical results are available within 10 days; ...”

Page 10 – chapter 5.2.9 Import Controls beyond the Regulation (EC) No. 669/2009 and Emergency Measures:

Findings

“An annual control program for imported food was established by CAFIA ~~and the MA~~. The programme covered both, checks at the point of imports and at market level as described in the Multi-Annual National Control Plan (MANCP). Non-compliances notified via the EU RASFF can trigger enforced controls (to be added to the National red list) as a result from risk assessment performed by the CAFIA. In addition to controls under EU legislation, there was a National annual plan and ad-hoc checks. Commodities selected for special checks including sampling under National rules were integrated in the red list ~~were~~ and the red list was handed over to the Customs for inclusion into the risk profile database for pre-selection.”

Page 11 – chapter 5.2.12 Sampling:

Conclusions

“The sampling procedures described and demonstrated were broadly in accordance with relevant EU legislation.”

Page 13 – chapter 5.2.14 Procedures for Performance and Reporting of Control Activities:

Findings

“A completed and updated set of written procedures was drafted and available on the intranet. Inspectors had laptops to access their work instructions out of office. The audit team noted that:

- after completion of checks an inspection report was handed out to the FBO;
- quarterly reports on import checks were sent to the Commission on time;
- the annual report of the CAFIA is published on the internet:

~~<http://www.szpi.gov.cz/en/docDetail.aspx?docid=1036096&docType=ART&nid=11452>~~
<http://www.szpi.gov.cz/en/lstDoc.aspx?nid=11452>.”

Comment 7: This link is more appropriate.

Page 15 – chapter 5.3 RASFF:

Findings

“The CAFIA is the National contact point for the EU RASFF. CAFIA inspectors and Customs officers had access to the notifications. RASFF notifications were sent to the Commission in cases of non-compliance where a direct or indirect risk for consumers had been identified.”

Comment 8: The word “risk” is probably missing here.

Page 15 – chapter 6 OVERAL CONCLUSION:

“... There were no facilities for sampling of consignments at the DPE Prague Airport.”
Comment 9: See Comment 1 and Comment 5.

MA

We would like to point out the dissension of

1) the wording of Art. 4 (b) of the Regulation (EC) No 669/2009 in the Czech and English language version:

Czech version

„vhodné **prostory** (= **places**) pro příslušný orgán k provádění nezbytných kontrol“

English version

„appropriate **facilities** for the competent authority to undertake the necessary checks“ – it is not entirely clear, whether it concerns places or equipment

2) the wording of the Czech and English language version of the recommendation in the draft report:

Czech version

„Zajistit, aby byly do srpna 2014 na určeném místě vstupu v Praze k dispozici vhodné **prostory a vybavení** (= **places and equipment**) pro úřední kontroly, jak vyžaduje čl. 4 písm. b) nařízení (ES) č. 669/2009 ve spojení s článkem 19 téhož nařízení.“

English version

„Ensure that appropriate **facilities** for official controls will be in place at the DPE Prague by August 2014 as required by Article 4(b) of Regulation (EC) No 669/2009 in connection with Article 19 of the same Regulation.“

It is not entirely clear, from the above mentioned dissimilarities, if the recommendation concerns “places” or “equipment” or “places and equipment”.